

REMARKS

Claims 3-13 were pending in the present application. Claims 3-5 have been amended. Thus, upon entry of the amendments presented herein, claims 3-13 will remain pending in the application.

Support for the amendments to the claims may be found in the claims as originally filed and throughout the specification. No new matter has been added.

The foregoing amendments should in no way be construed as an acquiescence to any of the Examiner's rejections, and have been made solely in the interest of expediting the prosecution of the application. Applicants reserve the right to pursue the claims as originally filed or as previously pending, in this or in one or more separate applications.

Withdrawal of Certain Rejections

Applicants gratefully acknowledge the Examiner's withdrawal of the following rejections: (1) the previous rejection of claims 3-5 and 7-11 under 35 USC § 112, second paragraph as being indefinite; (2) the previous rejection of claims 3-10 under 35 USC § 102(b) as being anticipated by Rothe *et al.* (WO 99/01541); (3) the previous rejection of claims 3-13 under 35 USC § 103(a) as being unpatentable over Rothe *et al.* (WO 99/01541); and (4) the previous rejection of claims 3-13 under 35 USC § 103(a) as being unpatentable over Rothe *et al.* (WO 99/01541) in view of Schwarze *et al.* (*Science* 285: 1569-72).

Claim Objections

The Examiner has objected to claims 3, 4, and 5 because of the following informalities: (a) claims 3-5 recite single letter, rather than three letter, amino acid abbreviations and (b) in claim 4, variable "X_a" recites a single member, "Thr-Ala".

Accordingly, Applicants have amended claims 3-5 to replace the single letter amino acid abbreviations with corresponding three letter abbreviations. Moreover, claim 4 has been amended to replace variable "X_a" with "Thr-Ala". In view of these amendments, Applicants submit that the foregoing claim objections have been obviated and request that these objections be reconsidered and withdrawn.

Rejection of Claims 3-13 Under the Judicially Created Doctrine of Obviousness-Type Double Patenting

The Examiner has rejected claims 3-13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 5 of U.S. Patent No. 6,864,355 B1.


While in no way admitting that claims 3-13 of the present application are obvious over claims 1 and 5 of U.S. Patent No. 6,864,355 B1, Applicants submit herein a terminal disclaimer in compliance with 37 C.F.R. §§ 1.321(b) and (c), accompanied by the fee required under 37 C.F.R. § 1.20(d). Accordingly, Applicants request that this obviousness-type double patenting rejection be reconsidered and withdrawn.

SUMMARY

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: October 12, 2005

Respectfully submitted,

By 

Maria Laccotripe Zacharakis, Ph.D., J.D.

Registration No.: 56,266

LAHIVE & COCKFIELD, LLP

28 State Street

Boston, Massachusetts 02109

(617) 227-7400

(617) 742-4214 (Fax)

Attorney/Agent For Applicant